

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GILEAD SCIENCES, INC. and
EMORY UNIVERSITY,

Plaintiffs,

v.

// CIVIL ACTION NO. 1:14CV99
(Judge Keeley)

MYLAN INC. and MYLAN
PHARMACEUTICALS INC.,

Defendants.

ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE MYLAN'S THIRD
SEPARATE DEFENSE [DKT. NO. 104]

On March 2, 2015, the plaintiffs, Gilead Sciences Inc. and Emory University, filed a motion to strike Mylan's third separate defense as inadequately pleaded and redundant (Dkt. Nos. 104, 105 at 5). On March 19, 2015, Mylan filed a response stating that it does not oppose the motion, but reserving its right to seek amendment of its answer at a later time should circumstances warrant (Dkt. No. 120).

For good cause shown, the Court **GRANTS** the motion and **STRIKES** Mylan's third separate defense, titled "Unenforceability" (Dkt. No. 97 at 30).

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: March 20, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE